

AMENDED IN SENATE AUGUST 19, 2009

AMENDED IN SENATE JULY 6, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1317

Introduced by Assembly Member Block

February 27, 2009

An act to add Chapter 1.5 (commencing with Section 125325) to Part 5.5 of Division 106 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1317, as amended, Block. Assisted oocyte production: advertisement: information.

Existing law requires that an oocyte retrieval summary be provided to the donor of oocytes for research purposes. Existing law requires that a health care professional in the course of fertility treatment provide prescribed information to an embryo donor relating to donation of remaining embryos for research purposes.

This bill would, with certain exceptions, establish similar requirements for donors of oocytes for fertility treatment, and would require an advertisement seeking oocyte donation associated with the delivery of fertility treatment that includes assisted oocyte production and a financial payment, or compensation of any kind, to contain a prescribed notice relating to the potential health risks associated with human egg donation.

The bill would declare that it shall not be construed to amend Proposition 71, approved by the voters at the November 2, 2004, general election.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.5 (commencing with Section 125325)
2 is added to Part 5.5 of Division 106 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 1.5. OOCYTE RETRIEVAL FOR FERTILITY TREATMENT
6

7 125325. (a) ~~At~~ *The person or entity posting an advertisement*
8 seeking oocyte donation associated with the delivery of fertility
9 treatment that includes assisted oocyte production and a financial
10 payment or compensation of any kind, shall include the following
11 notice in a clear and conspicuous manner:
12

13 “Egg donation involves a screening process. Not all potential
14 egg donors are selected. Not all selected egg donors receive the
15 monetary amounts or compensation advertised. As with any
16 medical procedure, there may be risks associated with human egg
17 donation. Before an egg donor agrees to begin the egg donation
18 process, and signs a legally binding contract, she is required to
19 receive specific information on the known risks of egg donation.
20 Consultation with your doctor prior to entering into a donor
21 contract is advised.”
22

23 (b) A summary, ~~as described in Section 125335~~, pertaining to
24 oocyte donation procedures, shall be provided, *as required*
25 *pursuant to Section 125335*, to all potential egg donors before
26 signing a legally binding contract to become an egg donor, or
27 beginning any egg donation procedures, as part of compliance with
28 the informed consent requirements.

29 (c) Persons or entities that certify compliance with the American
30 Society for Reproductive Medicine (ASRM) guidelines by
31 registering with ASRM are exempt from the notice requirements
32 set forth in subdivision (a). Use of the exemption when the
33 guidelines are violated shall constitute false advertising.

34 (d) Donors recruited through the advertisement shall undergo
35 the same disclosure, counseling, and informed consent process,

1 *as required pursuant to Section 125335*, as donors recruited by
2 those exempt from subdivision (a).

3 125325.15. The following definitions shall apply to this chapter:

4 (a) “Assisted oocyte production” or “AOP” means surgical
5 extraction of oocytes following pharmaceutically induced
6 manipulation of oocyte production through the use of ovarian
7 stimulation for the purposes of fertility treatment.

8 (b) “Oocyte” means a female egg or egg cell of a human female.

9 SEC. 2. This act shall not be construed to amend Proposition
10 71, approved by the voters at the November 2, 2004, general
11 election.